

Message Text

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ACTION EB-08

INFO OCT-01 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02
OMB-01 DOE-15 /114 W

-----115370 251718Z /64

P 251659Z MAY 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 0116

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PASS STR ELECTRONICALLY

E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: GATT STUDY ON ARTICLE XIX

1. GATT DDG PATTERSON HAS CALLED AN INFORMAL MEETING OF KEY DELS MAY 31 TO DISCUSS PROPOSAL MADE AT LAST GATT COUNCIL FOR SECRETARIAT TO UNDERTAKE A STUDY OF GATT ARTICLE XIX. AS WASHINGTON WILL RECALL, PROPOSAL WAS FIRST MADE AT MARCH GATT COUNCIL WHEN SUBJECT OF UK RESTRAINTS AGAINST IMPORTS OF KOREAN TVS WAS RAISED. PROPOSAL RESURFACED IN LATEST GATT COUNCIL WHEN HONG KONG RAISED COMPLAINT AGAINST SELECTIVITY OF NORDIC RESTRAINTS ON HONG KONG TEXTILE EXPORTS. SEVERAL LDCS SUPPORTED INDIAN PROPOSAL WHILE EC TRIED TO THROW COLD WATER ON IT, FINALLY SAYING THAT IF SUCH A STUDY WERE UNDERTAKEN, IT SHOULD NOT LIMIT ITSELF TO INTERPRETATION BUT SHOULD ALSO COVER THE PRACTICE IN DEALING WITH ARTICLE XIX TYPES OF SITUATIONS SINCE 1947. WE INTERPRET THIS TO MEAN THAT EC WANTS STUDY TO EXAMINE NOT ONLY ARTICLE XIX ACTIONS BUT ALSO THOSE SAFEGUARD ACTIONS TAKEN WITHOUT INVOKING LIMITED OFFICIAL USE

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ARTICLE XIX (E.G. EXPORT RESTRAINTS, ETC.). PATTERSON SAYS THAT SECRETARIAT HAS ALREADY DONE CONSIDERABLE WORK ON THE PAPER IN ANTICIPATION THAT IT WOULD BE ASKED TO PRODUCE IT. PAPER WILL PRESENT A HISTORIC STUDY OF ARTICLE XIX INCLUDING WHAT WAS SAID ON SUBJECT BY ORIGINAL NEGOTIATORS OF THE GATT, WHAT HAS BEEN SAID IN DISCUSSIONS ON ARTICLE XIX SINCE THAT DATE, AND HOW THE ARTICLE HAS

BEEN APPLIED IN PRACTICE. PATTERSON POINTS OUT THE IMPORTANCE OF THIS STUDY TO THE CURRENT DEBATE ON SELECTIVITY IN THE MTN SAFEGUARD NEGOTIATIONS. HE SAYS THAT RECORD FROM GATT STUDY IS CLEAR THAT SELECTIVITY IS THE ABERRATION RATHER THAN THE NORM IN APPLICATION OF ARTICLE XIX. HE NOTED THAT U.S. HAS BEEN SILENT IN COUNCIL ON PROPOSAL FOR STUDY AND WONDERS IF U.S. SUPPORTS STUDY OR IS TAKING A NEUTRAL POSITION.

2. WE RECOMMEND THAT AT MAY 31 MEETING U.S. INDICATE NO OBJECTION OR GIVE LOW-KEY SUPPORT TO LDC REQUEST FOR STUDY OF ARTICLE XIX, SINCE STUDY AS OUTLINED BY PATTERSON APPEARS TO SUPPORT U.S. AND OTHERS' EFFORTS IN MTN TO MAKE SELECTIVITY THE EXCEPTION RATHER THAN THE NORM WHEN TAKING SAFEGUARD ACTIONS. WE SHOULD NOT OBJECT IF EC WANTS STUDY TO INCLUDE ACTIONS TAKEN OUTSIDE OF ARTICLE XIX IF THIS IS NECESSARY TO OBTAIN AGREEMENT ON STUDY, SINCE INCLUSION OF THESE ACTIONS WILL REINFORCE ARGUMENT THAT SELECTIVE APPLICATION IS NOT CONSISTENT WITH ARTICLE XIX. VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE, EXPORTS, MEETINGS, STUDIES
Control Number: n/a
Copy: SINGLE
Draft Date: 25 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA08080
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780221-0418
Format: TEL
From: GENEVA
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780521/aaaaaqxr.tel
Line Count: 82
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8cf54497-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: ONLY
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2576581
Secure: OPEN
Status: NATIVE
Subject: GATT STUDY ON ARTICLE XIX
TAGS: ETRD, GATT
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/8cf54497-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014